

quantity variation is such as to cause an increase in the time necessary for completion. The contracting officer must receive the request in writing within 10 days from the beginning of the period of delay. However, the contracting officer may extend this time limit before the date of final settlement of the contract. The contracting officer shall ascertain the facts and make any adjustment for extending the completion date that the findings justify.

#### **11.703 Contract clauses.**

(a) The contracting officer shall insert the clause at 52.211-16, Variation in Quantity, in solicitations and contracts, if authorizing a variation in quantity in fixed-price contracts for supplies or for services that involve the furnishing of supplies.

(b) The contracting officer may insert the clause at 52.211-17, Delivery of Excess Quantities, in solicitations and contracts, when a fixed-price supply contract is contemplated.

(c) The contracting officer shall insert the clause at 52.211-18, Variation in Estimated Quantity, in solicitations and contracts when a fixed-price construction contract is contemplated that authorizes a variation in the estimated quantity of unit-priced items.

[48 FR 42159, Sept. 19, 1983, as amended at 54 FR 34753, Aug. 21, 1989. Redesignated and amended at 60 FR 48241, Sept. 18, 1995; 64 FR 10538, Mar. 4, 1999]

### **Subpart 11.8—Testing**

SOURCE: 62 FR 51230, Sept. 30, 1997, unless otherwise noted.

#### **11.801 Preaward in-use evaluation.**

Supplies may be evaluated under comparable in-use conditions without a further test plan, provided offerors are so advised in the solicitation. The results of such tests or demonstrations may be used to rate the proposal, to determine technical acceptability, or otherwise to evaluate the proposal (see 15.305).

## **PART 12—ACQUISITION OF COMMERCIAL ITEMS**

### **Sec.**

- 12.000 Scope of part.
- 12.001 Definition.

### **Subpart 12.1—Acquisition of Commercial Items—General**

- 12.101 Policy.
- 12.102 Applicability.

### **Subpart 12.2—Special Requirements for the Acquisition of Commercial Items**

- 12.201 General.
- 12.202 Market research and description of agency need.
- 12.203 Procedures for solicitation, evaluation, and award.
- 12.204 Solicitation/contract form.
- 12.205 Offers.
- 12.206 Use of past performance.
- 12.207 Contract type.
- 12.208 Contract quality assurance.
- 12.209 Determination of price reasonableness.
- 12.210 Contract financing.
- 12.211 Technical data.
- 12.212 Computer software.
- 12.213 Other commercial practices.
- 12.214 Cost Accounting Standards.
- 12.215 Notification of overpayment.

### **Subpart 12.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**

- 12.300 Scope of subpart.
- 12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.
- 12.302 Tailoring of provisions and clauses for the acquisition of commercial items.
- 12.303 Contract format.

### **Subpart 12.4—Unique Requirements Regarding Terms and Conditions for Commercial Items**

- 12.401 General.
- 12.402 Acceptance.
- 12.403 Termination.
- 12.404 Warranties.

### **Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Items**

- 12.500 Scope of subpart.
- 12.501 Applicability.
- 12.502 Procedures.
- 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial items.